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Filing date: **05/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059504
Party	Plaintiff Pionetechs, Inc.
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Submission	Other Motions/Papers
Filer's Name	Daniel S. Polley
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Signature	/Daniel S. Polley/
Date	05/16/2016
Attachments	Motion to submit Testimony through Declarations.pdf(71366 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter Trademark Registration No. 4,407,657

For the Mark: WAITLESS

Date Registered: September 24, 2013

<b>PIONETECHS, INC.,</b>	)	
	)	
<b>Petitioner,</b>	)	<b>Cancellation No. 92059504</b>
<b>vs.</b>	)	
	)	
<b>OLALEYE SHOBOLA, ALEC JEFFERY and</b>	)	
<b>ABIOLA SHOBOLA,</b>	)	
	)	
<b>Registrants.</b>	)	
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**PETITIONER'S MOTION FOR PERMISSION TO PRESENT TESTIMONIAL  
EVIDENCE THROUGH WITNESS DECLARATIONS**

Petitioner, Pionetechs, Inc., ("Petitioner"), by and through the undersigned counsel, hereby files this Motion seeking permission to present all evidence normally presented through testimony depositions, by way of sworn Declaration and in support thereof respectfully states:

1. Petitioner currently has filed a Motion for Final Six Month Suspension for this proceeding.
2. Petitioner is hopeful that continued negotiations between the parties as discussed in the pending Suspension Motion will result in the parties amicably resolving this dispute.
3. It is believed that at least some if not all of Registrant's witnesses are located outside of South Florida where Petitioner and Petitioner's counsel are located and

similarly at least some if not all of Petitioner's witness are located outside of Minnesota where Registrant's counsel is located and where Registrant is believed to be located.

3. However, in the event that the matter isn't settled, in order to reduce time and costs for both sides, Petitioner respectfully requests permission from the Board to present all of his Testimonial Evidence through Declarations from Petitioner's witnesses.

4. Petitioner is of course agreeable to Registrant also being permitted to submit its Testimonial Evidence in the same manner.

5. Such request will allow the parties to avoid the significant costs and time that would be required to present such testimony through Testimonial Deposition(s), including, without limitation, travel costs for attending depositions and court reporter costs and associated legal fees.

6. Though Petitioner has currently filed a Suspension Motion, Petitioner respectfully requests that the instant Motion be ruled on the Board, so that parties will know whether declaration testimony can be submitted in the event that this matter is not amicably resolved and proceedings are resumed.

WHEREFORE, Petitioner respectfully requests that the Board issue an Order granting the instant Motion and allowing both parties to present their respective testimonial evidence by Witness Declaration(s), in lieu of Testimony Deposition(s), during their respective Testimonial Periods, in the event the matter is not amicably resolved by the parties.

Respectfully submitted,  
Attorneys for Petitioner

/Daniel S. Polley/  
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#### CERTIFICATE OF SERVICE

I hereby certify that on the 16<sup>th</sup> day of May 2016, a true copy of the foregoing PETITIONER'S MOTION FOR PERMISSION TO PRESENT TESTIMONIAL EVIDENCE THROUGH WITNESS DECLARATIONS was served by first class mail to Registrants' counsel:

Abiola Shobola, Esq  
1239 Highland Parkway  
St Paul, Minnesota 55116

Executed on May 16, 2016

/Daniel S. Polley/  
Daniel S. Polley, Reg. No. 34,902